

## Office of the Secretary, HUD

## § 26.1

### § 25.15 Retroactive application of Board regulations.

Limitations on participation in HUD mortgage insurance programs proposed or imposed prior to August 12, 1992, under an ancillary procedure shall not be affected by this part. This part shall apply to sanctions initiated after the effective date of the Department of Housing and Urban Development Reform Act of 1989 (December 15, 1989) regardless of the date of the cause giving rise to the sanction.

[57 FR 31051, July 13, 1992. Redesignated at 61 FR 685, Jan. 9, 1996]

### § 25.17 [Reserved]

## PART 26—HEARING PROCEDURES

### Subpart A—Hearings Before Hearing Officers

Sec.

26.1 Purpose and scope.

#### HEARING OFFICER

26.2 Hearing officer, powers, and duties.  
26.3 *Ex parte* communications.  
26.4 Sanctions.  
26.5 Disqualification of hearing officer.

#### REPRESENTATION OF THE PARTIES

26.6 Department representative.  
26.7 Respondent's representative.  
26.8 Standards of practice.

#### PLEADINGS AND MOTIONS

26.9 Form and filing requirements.  
26.10 Service.  
26.11 Time computation.  
26.12 Notice of administrative action.  
26.13 Complaint.  
26.14 Answer.  
26.15 Amendments and supplemental pleadings.  
26.16 Motions.

#### DISCOVERY

26.17 Prehearing conference.  
26.18 Discovery.  
26.19 Request for production of documents.  
26.20 Depositions.  
26.21 Written interrogatories.  
26.22 Requests for admissions.

#### HEARINGS

26.23 Public nature and timing of hearings; transcripts.  
26.24 Rules of evidence.  
26.25 Hearing officer's determination and order.

#### SECRETARIAL REVIEW

26.26 Review of determination of hearing officers.  
26.27 Interlocutory rulings.

### Subpart B—Hearings Pursuant to the Administrative Procedure Act

26.28 Purpose and scope.  
26.29 Definitions.  
26.30 Service and filing.  
26.31 Time computations.

#### ADMINISTRATIVE LAW JUDGE

26.32 Powers and duties of the Administrative Law Judge (ALJ).  
26.33 *Ex parte* communications.  
26.34 Sanctions.  
26.35 Disqualification of ALJ.

#### PARTIES

26.36 Parties to the hearing.  
26.37 Separation of functions.

#### PREHEARING PROCEDURES

26.38 Commencement of action.  
26.39 Prehearing conferences.  
26.40 Motions.  
26.41 Default.

#### DISCOVERY

26.42 Discovery.  
26.43 Subpoenas.  
26.44 Protective orders.

#### HEARINGS

26.45 General.  
26.46 Witnesses.  
26.47 Evidence.  
26.48 Posthearing briefs.  
26.49 The record.  
26.50 Initial decision.  
26.51 Interlocutory rulings.  
26.52 Appeal to the Secretary.  
26.53 Exhaustion of administrative remedies.  
26.54 Judicial review.  
26.55 Collection of civil penalties and assessments.  
26.56 Right to administrative offset.

AUTHORITY: 42 U.S.C. 3535(d).

SOURCE: 73 FR 76833, Dec. 17, 2008, unless otherwise noted.

### Subpart A—Hearings Before Hearing Officers

#### § 26.1 Purpose and scope.

This part sets forth rules of procedure in certain proceedings of the Department of Housing and Urban Development presided over by a hearing officer. These rules of procedure apply to